

Original

F-5

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT  
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Jason Todd Sanders

COMPLAINT

(Enter above the full name of the plaintiff in this action)

V.

Civil Action No. \_\_\_\_\_

N.J.D.O.C. / Marcus Hicks

(To be supplied by the Clerk of the Court)

John Doe, John Doe

John Doe MD.

(Enter the full name of the defendant or defendants in this action)

INSTRUCTIONS; READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$400.00 (a filing fee of \$350.00, and an administrative fee of \$50.00), your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$400.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$50.00 Administrative Fee will not be assessed. The Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

#### QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)

☒ 42 U.S.C. §1983 (applies to state prisoners)

☐ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee

☐ Civilly-committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other: (please explain) \_\_\_\_\_

## 2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

## a. Parties to previous lawsuit:

Plaintiff(s): \_\_\_\_\_  
 \_\_\_\_\_

Defendant(s): \_\_\_\_\_  
 \_\_\_\_\_

## b. Court and docket number: \_\_\_\_\_

c. Grounds for dismissal: ( ) frivolous ( ) malicious  
 ( ) failure to state a claim upon which relief  
 may be granted

## d. Approximate date of filing lawsuit: \_\_\_\_\_

## e. Approximate date of disposition: \_\_\_\_\_

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

## 3. Place of Present Confinement? \_\_\_\_\_

## 4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional Plaintiffs, if any.)

a. Name of plaintiff: Jason Todd Sanders

Address: P.O. BOX 861

Inmate#: 8574336

b. First defendant:

Name: Marcus Hicks

Official position: Commissioner of N.J.D.O.C.

Place of employment: New Jersey Department of Corrections

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Commissioner of N.J.D.O.C. Marcus Hicks Failure to curb the Known medical medical negligence constitutes deliberate indifference and contributed to proximately violated Plaintiff Eighth Amendment Right.

c. Second defendant:

Name: John Doe

Official position: Administrator

Place of employment: Northern State Prison

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Administrator John Doe of Northern State Prison Failure to take action to ensure Plaintiff with serious medical disabilities to be safely secured and properly housed violated Plaintiff Rights under the Eighth Amendment.

- d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

## Additional Defendants

Cont.  
Page 4

### Third defendant:

Name: John Doe

Official position: Correctional Officer

Place of employment: Northern State Prison

How is this person involved in the case?

% John Doe after been informed of my seizure disorder and low-tier and bottom bed status, % John Doe violated VIII Amendment by knowingly placing me on the back "second" tier on a top bed which I was injured by falling off.

### Fourth defendant:

Name: John Doe

Official position: Medical Doctor

Place of employment: Northern State Prison

How is this person involved in the case?

Defendant John Doe M.D. is responsible for medical care generally and for arranging for specialized care outside the Prison, but knowing neglected to send me out to a hospital after knowing I had a seizure and fractured nasal area of my skull and couldn't breathe out of my nose, therefore violating my VIII Amendment as well as my 5th Amendment of Right to due process,

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

☒ Yes ☐ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

On 10/9/2019 I filed a grievance and on  
10/10/2019 I informed a Medical nurse (Jane Doe)  
 1. I never received a response from the grievance,  
 2. I only was given an X-Ray, there wasn't any more medical  
attention given.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

---



---



---



---

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

On August 1st or 3rd, 2019 at Northern State Prison  
I was escorted to RHU (4-Wing) and I informed  
% John Doe, who is the Tier Officer at that time  
about me having a "low-Tier and bottom bed  
medical permit" due to my seizure disorder  
which was confirmed by the Medical staff  
when % John Doe called to the Medical Office.



1. % John Doe violated my Eighth Amendment Right to be secured and safe knowingly by neglecting his duties to place me on a low bottom Tier and bed, which showed deliberate indifference which contributed to and proximately caused the violation of the Eighth Amendment Rights of Plaintiff serious medical needs.
2. Defendant John Doe, Northern State Prison Administrator, and on 8/1-3/2019 Administrator John Doe failure to take action to ensure Plaintiff with serious medical needs and disabilities was properly housed, violated the Plaintiff Rights under the Eighth Amendment Rights.
3. Defendant Medical Doctor John Doe failed to provide adequate medical care for Plaintiff, which violated and continue to violate the Plaintiff Rights under the Eighth Amendment to the United States Constitution even after seeing the bruises and nose fracture, which X-Rays clearly shown. John Doe M.D, on 8/23/2019 failed to issue the Plaintiff to be seen and treated by a Professional Doctor to be treated showed a complete deliberate indifference.
4. Defendant Commissioner Marcus Hicks of the New Jersey Department of Corrections failure to curb the known medical negligence constitutes deliberate indifference and contributed to and proximately caused the described violation of Plaintiff Eighth Amendment Right to be safe from cruel and unusual punishment inflicted by the clearly seen negligence of his N.J.D.C.C. Staff.

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

- A. Issue a declaratory judgment stating that:
  1. The negligence of Officer John Doe, Commissioner Marcus Hicks, Administrator John Doe, and Medical Doctor John Doe violated Plaintiff's Rights under

Page 6 ~~7~~ Relief: Continued from—

B.

1. the Plaintiff to be examined by a qualified physician for nose fracture (Fracture)
2. Immediately arrange for Plaintiff's therapy, or surgical needs if needed.

C. Award compensatory damages in the following amount:

1. \$100,000 jointly and severally against defendants Marcus Hicks, Administrator John Doe, Medical Doctor John Doe, and Jo John Doe.

D. Award punitive damages in the following amounts:

1. \$10,000 each against defendants Marcus Hicks, Administrator John Doe, Officer John Doe, and Medical Doctor John Doe

E. Grant such other relief, as it may appear that plaintiff is entitled.



Continued from  
Page 6

- the Eighth Amendment to the United States  
Constitution
2. Defendant Marcus Hicks failure to take disciplinary  
OR other action to curb the known pattern of the  
medical negligence violated Plaintiff's Eighth Amendment  
Rights
- B. Issue an injunction ordering defendants Marcus  
Hicks, Administrator John Doe, and Medical Doctor John  
Doe or their agents to: 1. Immediately arrange for cont. →

8. Do you request a jury or non-jury trial? (Check only one)

☒ Jury Trial ( ) Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 3rd day of January, 2020

Jason Sanders  
Signature of plaintiff\*

(\*EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT  
HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF.  
REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT).